

74- 619 STATE OF OREGON vs. LCRI NAIL

CLOSED

NO. 74- 619	
CIRCUIT COURT	
DOUGLAS COUNTY, OREGON	
STATE OF OREGON	
	Plaintiff
vs.	
LCRI NAIL	Defendant
Cause of Action } For CRIMINAL	
DOYLE L. SCHIFFMAN Attorney for Plaintiff	
Ronald Kelley Attorney for Defendant	

PAPERS FILED

- 1 April 26, 1974 - Indictment
- 2 May 7 - Order on Pleas & Order to Continue
- 3 May 16 - Order on Pleas & Order to Continue
- 4 May 16 - Order on Pleas & Order to Continue
- 5 May 16 - Order on Pleas & Order to Continue
- 6 May 30 - Order on Pleas & Order to Continue
- 7 Nov. 16 - Order Changing Pleas & Pre-Sentence
- 8 Dec. 2 - Order for Sentencing
- 9 Dec. 17 - Order on Sentence (continue)
- 10 Dec. 31 - Order on Sentence
- 11 Dec. 31 - Amended Order on Sentence
- 12 Jan 9 - Motion to Dismiss Evidence
- 13 Jan 9 - Order to Dismiss Evidence
- 14
- 15
- 16
- 17

EXHIBIT 1

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171- 619
NO. OF CASE

DOUGLAS COUNTY OREGON

EXHIBIT 1
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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF DOUGLAS

THE STATE OF OREGON,

Plaintiff,

vs.

LORI NAIL,

Defendant.

No. 74-619

INDICTMENT

Sec. ORS 167.207

LORI NAIL

is accused by the Grand Jury for the County of Douglas, State of Oregon, by this indictment of the crime of

COUNT I: CRIMINAL ACTIVITY IN DRUGS - FURNISHING
COUNT II: CRIMINAL ACTIVITY IN DRUGS

committed as follows

COUNT I

The said LORI NAIL on or about the 15th day of March A.D. 19 74, in the said County of Douglas and State of Oregon, then and there being, did knowingly and unlawfully furnish to another a dangerous drug, to-wit: hashish, contrary to the statutes in such cases made and provided, and against the peace and dignity of the State of Oregon.

COUNT II

And as part of the same act and transaction set out in Count I herein, the said LORI Nail on or about the 15th day of March, 1974, in the said County of Douglas and State of Oregon, then and there being, did knowingly and unlawfully possess a dangerous drug, to-wit: hashish,

contrary to the Statutes in such cases made and provided, and against the peace and dignity of the State of Oregon.

Dated at Roseburg, Douglas County, Oregon this 26th day of April A.D. 19 74.

Witnesses examined before the Grand Jury.

Gus Markovich
Richard Stein
Larry Bland
Ralph Green

ADOLPH L. BENTON
District Attorney.
— A TRUE BILL
James E. Gray
Foreman of the Grand Jury.

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR DOUGLAS COUNTY

THE STATE OF OREGON,

Plaintiff,

vs.

LORI HAIL,

Defendant.

FILED

AT 1:55 PM OCT 16 1974

OCT 16 1974

Case No. 74-619 J.

ORDER ON CHANGE OF PLEA
and ORDER FOR PRE-SENTENCE
INVESTIGATION REPORT
ORDER TO DISMISS Case No. 74-620
and Case No. 74-560

This cause coming on before the Honorable Charles S. Woodrich, Circuit Judge; the State of Oregon appearing by and through Brian Barnes, Deputy District Attorney; the defendant appearing in person and being represented by Donald Kelley, her attorney;

The defendant, LORI HAIL, having heretofore on May 15, 1974, entered a plea of NOT GUILTY to the crime of "COUNT II: CRIMINAL ACTIVITY IN DRUGS," now desires to withdraw her plea of NOT GUILTY and substitute therefore a plea of GUILTY to the crime of "COUNT II: CRIMINAL ACTIVITY IN DRUGS," which plea it is ORDERED be received and entered of record;

Upon being apprised of her right to wait two days before being sentenced, the defendant requested such;

It is hereby ORDERED by the Court that imposition of sentence be deferred until the Court has had the benefit of a long form pre-sentence investigation report; that the Oregon State Corrections Division, Parole and Probation Department be contacted and such report requested; pending such time the defendant is released on her own recognizance;

Whereupon the Deputy District Attorney made oral motion to dismiss COUNT I in Case No. 74-619; to dismiss Case No. 74-620 and Case No. 74-560; Said motion is hereby granted and it is ORDERED that COUNT I in Case No. 74-619 and Cases No. 74-620 and 74-560 be and hereby is dismissed.

Stenographic notes of this proceeding were made by the official court reporter, Bill Montgomery.

Dated this 16th day of October, 1974.


CIRCUIT JUDGE

EXHIBIT

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IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR DOUGLAS COUNTY
THE STATE OF OREGON,

Plaintiff,

vs.

LORI NAIL,

Defendant.

ORDER FOR SENTENCING

Case No. 74-619

f.

FILED

AT 12:12 PM

DEC 1974

C. D. MYLLENBLOK, CLERK

DEPUTY CLERK

TO: DONALD S. KELLEY
Luoma, Kelley & Wolke
Attorneys at Law
P. O. Box 937
Roseburg, Oregon 97470

THIS MATTER came on for hearing before The Honorable
Charles S. Woodrigh, Circuit Judge, on the 16th day of
October, 1974, at which time the
defendant entered a plea of guilty to

the crime of CRIMINAL ACTIVITY IN DRUGS (COUNT II)
and the Court ordered that a pre-sentence investigation be made
upon the defendant; and

IT APPEARS that the pre-sentence investigation has now been
completed and the report has now been received by the Court;

NOW, THEREFORE, IT IS ORDERED that the sentencing in the
above case be, and the same hereby is, SET for the 16th day of
December, 1974, at 1:00 P.M.

DATED this 2nd day of December, 1974.

Charles S. Woodrigh
Circuit Judge

Submitted by:

DOYLE L. SCHIFFMAN
District Attorney
Courthouse
Roseburg, Oregon 97470
672-3311, Ext. 331

Page-1-ORDER FOR SENTENCING

EXHIBIT

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IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR DOUGLAS COUNTY

THE STATE OF OREGON,

Plaintiff

vs.

LORI MAIL,

Defendant

Case No. 74-619

ORDER ON SENTENCE

9.

AT P.3. A.M.

DEC 17 1974

B. D. [Signature] COUNTY CLERK
DEPUTY CLERK

This cause coming on before the Honorable Charles S. Woodrich, Circuit Judge; the State of Oregon appearing by and through Brian Barnes, Deputy District Attorney; the defendant appearing in person and being represented by Donald S. Kelley, her attorney;

The defendant, LORI MAIL, having been duly convicted of the crime of "CRIMINAL ACTIVITY IN DEBTS," upon a plea of GUILTY on October 16, 1974, and sentence having been deferred pending receipt of a pre-sentence investigation report; such report having now been received and considered by the Court; and this being the time set for imposition of sentence; the defendant, upon being asked if she had anything to say why sentence should not now be imposed upon her, answered showing no good or sufficient cause;

Testimony was then adduced on behalf of the defendant by James Gregory, Maynard Hammers, L. B. Hicks, Tim Sullivan, Clarence Berg and by the defendant, Lori Mail.

Whereupon the Deputy District Attorney made oral motion to have sentencing continued to a later date, said motion is hereby granted and it is ORDERED that Sentencing be continued to a later date;

Stenographic notes of this proceeding were made by the official court reporter, Bill Montgomery.

Dated this 16th day of December, 1974.

[Signature]
CIRCUIT JUDGE

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR DOUGLAS COUNTY

THE STATE OF OREGON,

Plaintiff

vs.

LORI NAIL,

Defendant

Case No. 74-619

ORDER ON SENTENCE

p.

FILED

AT 3:42 O'CLOCK P.M.

DEC 31 1974

G. D. MYLLENBECK

CLERK

DEPUTY CLERK

This cause coming on before the Honorable Charles S. Woodrich, Circuit Judge; the State of Oregon appearing by and through Brian Barnes, Deputy District Attorney; the defendant appearing in person and being represented by Donald S. Kelley, her attorney;

The defendant, LORI NAIL, having been duly convicted of the crime of "CRIMINAL ACTIVITY IN DRUGS," upon a plea of GUILTY on October 16, 1974, and sentence having been continued to this date; the defendant, upon being asked if she had anything to say why sentence should not now be imposed upon her, answered showing no good or sufficient cause;

Testimony was then adduced on behalf of the Plaintiff, by Richard T. Stein, and on behalf of the defendant by Lori Nail.

It is hereby CONSIDERED, ORDERED and ADJUDGED that LORI NAIL is GUILTY of the crime of "CRIMINAL ACTIVITY IN DRUGS," and it is the judgment of the Court that she be confined in the OREGON STATE CORRECTIONS DIVISION for a period of TWO (2) YEARS; that execution of sentence be suspended for a period of TWO (2) YEARS and that she remain in the legal custody and control of the OREGON STATE CORRECTIONS DIVISION, PAROLE AND PROBATION DEPARTMENT, subject to the following conditions of probation:

1. That she serve FIFTEEN (15) DAYS in the Douglas County Jail.
2. Submit her person, place of residence, vehicle, to search and seizure at any time of the day or night, with or without a search warrant, whenever requested to do so by the Probation Officer or any law enforcement officer.
3. Refrain from possession or use of any nonprescribed drugs or narcotics; and refrain from associating with users or possessors of drugs or narcotics.
4. Abide by standard terms and conditions of probation.

Stenographic notes of this proceeding were made by the official court reporter, Bill Montgomery.

Dated this 31st day of December, 1974.

Charles S. Woodrich
CIRCUIT JUDGE

EXHIBIT 1

Page 1 of 9 Pages

1 IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR DOUGLAS COUNTY
 2 THE STATE OF OREGON,)
 3 Plaintiff,) No. 74-619
 4 vs.) *Amended*
 5 LORI NAIL,) ORDER ON SENTENCE
 6 Defendant.)
 7

AT 4:00 O'CLOCK P.M.

DEC 31 1974

D. D. MULLENBACH, CLERK

Paul Lawrence

8 This cause coming on before the
 9 Honorable Charles S. Woodruff, Circuit Judge;
 10 the State of Oregon appearing by and through
 11 William Barnes, Deputy District Attorney; the
 12 defendant appearing in person and being
 13 represented by Donald S. Kelley, her attorney;

14 The defendant, Lori Nail, having heretofore presented
 15 evidence in mitigation of sentence and the State of Oregon having
 16 produced the testimony of Officer Richard T. Stein in aggravation
 17 of sentence; now, therefore

18 IT IS HEREBY CONSIDERED, ORDERED and ADJUDGED that Lori
 19 Nail is guilty of the crime of criminal activity in drugs, Count II,
 20 and it is the judgment of the Court that she be confined to the
 21 Oregon State Penitentiary for a term of two years; execution of
 22 sentence be suspended and that she be admitted to probation for a
 23 period of two years and remain in the legal custody and control
 24 of the Oregon State Corrections Division, Parole and Probation
 25 Department, subject to the following conditions of probation:

1. Refrain from use of any non prescribed prescription
 26 drugs or narcotics and refrain from associating with users or
 27 possessors of drugs or narcotics.

2. Abide by standard terms and conditions of probation.

3. That the defendant subject herself, her person,
 28 vehicle and residence to search and waive her constitutional
 29 rights against search and seizure at the request of her super-
 30 vising officer.

4. That the defendant serve fifteen (15) days in the
 31 Douglas County Jail. Said term to commence at 9:30 o'clock a.m.
 32 December 31, 1974, and continue to 6:00 o'clock p.m. Thursday,
 33 January 2, 1975; that the remainder of said term be served on

Page 1 - ORDER ON SENTENCE

LUOMA, KELLEY, WOODRUFF & WOLKE

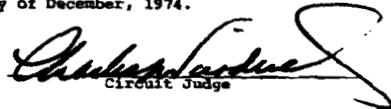
2000 PROFESSIONAL CENTER
 PORT ORFORD BOX 247
 PORT ORFORD, OREGON 97470
 TELEPHONE (503) 675-8844

EXHIBIT 1

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1 weekends commencing the weekend of January 11 and 12, and each
2 weekend thereafter, with the defendant reporting to the jail at
3 7:00 o'clock p.m. Friday, January 10, 1975, and to be released
4 Sunday, January 12, 1975, at 7:00 o'clock p.m., and on the same
5 periods of each weekend thereafter until said sentence is served.

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7 Dated this 21st day of December, 1974.

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Circuit Judge

Page 2 - ORDER ON SENTENCE

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